

VZCZCXRO3229
OO RUEHCHI RUEHCN RUEHDT RUEHHM
DE RUEHJA #1968 2981020
ZNR UUUUU ZZH
O 241020Z OCT 08
FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0406
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 7834
RUEHBY/AMEMBASSY CANBERRA 3197
RUEHLM/AMEMBASSY COLOMBO 1391
RUEHKA/AMEMBASSY DHAKA 1365
RUEHNE/AMEMBASSY NEW DELHI 2351
RUEHKO/AMEMBASSY TOKYO 2641
RUEHWL/AMEMBASSY WELLINGTON 3191
RUEHHK/AMCONSUL HONG KONG 3046
RUEHPT/AMCONSUL PERTH 1220
RHMFIUU/BUMED WASHINGTON DC
RHHJJPI/USPACOM HONOLULU HI
RHHJJPI/PACOM IDHS HONOLULU HI
RUENAAA/SECNAV WASHDC
RUEKJCS/SECDEF WASHDC
RUEAWJB/DEPT OF JUSTICE WASHDC
RULSAAV/NAVMEEDRSCHCEN SILVER SPRING MD
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RHEFDIA/DIA WASHINGTON DC

UNCLAS JAKARTA 001968

SENSITIVE
SIPDIS

DEPT FOR P, EAP, EAP/MTS, EAP/MLS, EAP/RSP, G/AIAG,
OES/IHA, L, L/DL FOR DICKERSON
USAID FOR ANE/CLEMENTS AND GH/CARROLL
DEPT PASS TO HHS/WSTEIGER/ABHAT/MSTLOUIS AND HHS/NIH
DEPT PASS TO USDA/FAS/OSTA BRANT, ROSENBLUM
DOJ FOR OFL/HOLLIS
DOJ FOR OFL/HERRUP
GENEVA FOR WHO/HOHMAN
NSC FOR E.PHU
SECDEF FOR USDP/ISA/APSA D.WALTON

E.O. 12958: N/A
TAGS: [PGOV](#) [TBIO](#) [KFLU](#) [KLIQ](#) [ID](#)
SUBJECT: AVIAN INFLUENZA LAWSUIT AGAINST USG: FURTHER
DELAY IN COURT HEARING

REF: JAKARTA 1768 AND PREVIOUS

[1](#)1. (U) This message is Sensitive but Unclassified. Please handle accordingly.

[1](#)2. (SBU) Legal proceedings were originally scheduled to begin in the Central Jakarta District Court on September 17 in the avian-influenza lawsuit against the USG and the World Health Organization (refs). On advice by the Foreign Affairs Department (DEPLU), neither the USG nor its agent appeared at the September 17 proceedings. Because the plaintiff did not attend the proceedings, the hearing was canceled until October 10 and then postponed again until October 17.

[1](#)3. (SBU) On October 17, DCM spoke with Arif Havas Oegroseno, Director of DEPLU's Office of Political, Legal and Regional Treaties. Oegroseno said the court was divided on how to proceed in the lawsuit. Some judges believed the case should be dismissed without a hearing on the basis of the plaintiff's lack of interest as well as sovereign immunity grounds. Others, who were not yet persuaded by a sovereign immunity argument, said the suit should not be dismissed without a hearing. The internal debate led the court to further postpone a decision regarding the proceedings until perhaps mid-December.

[1](#)4. (SBU) Oegroseno, who has been helpful throughout this process, recommended to the DCM that the USG not press for action from the court and await the mid-December decision.

